

FILED

2011 JUL 29 PM 3:04
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

1 Alan Dylan
2 312 W 5th Street unit 215
3 Los Angeles California 90013
4 Telephone No (424)225-0920
5 Pro-per

6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 LOS ANGELES DIVISION

9 **ALAN DYLAN, an individual,**

Case No.: CV11-5666- GHK(Ex)

10 **Plaintiff,**

Plaintiff

11 **vs.**

**SHOW CAUSE WHY THIS COURT
SHOULD NOT STAY OR DISMISS THIS
ACTION PURSUANT TO COLORADO
RIVER.**

12 **ONEWEST BANK FSB, an unknown**
13 **business entity; INDYMAC MORTGAGE**
14 **SERVICES, A DIVISION OF ONEWEST**
15 **BANK, FSB, an unknown business entity;**
16 **DEUTSCHE BANK NATIONAL TRUST**
17 **COMPANY AS TRUSTEE UNDER**
18 **POOLING AND SERVICING**
19 **AGREEMENT DATED AS OF**
20 **DECEMBER 1, 2006 MORTGAGE PASS-**
21 **THROUGH CERTIFICATES, SERIES**
22 **2006-AR41, an unknown business entity;**
23 **QUALITY LOAN SERVICE**
24 **CORPORATION, a California corporation;**
25 **MORTGAGE ELECTRONIC**
26 **REGISTRATION SYSTEMS, a suspended**
27 **California Corporation and DOES 1 – 10,**
28 **inclusive,**

Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Factual and Procedural history

1 On May 23, 2011 Plaintiff dismiss the above defendants and all cause of action in the
2 State Court without prejudice (*case no* BC430725) and such dismiss was approve by the State
3 Court Clerk. *See attachment A.*

4 On July 11, 2011 Plaintiff Alan Dylan filed a complaint against above defendants for
5 several Federal and State laws.

6 On July 11, 2011 Plaintiff serve under the law each defendant the summons and
7 complaint and waiting for respond.

8 ARGUMENT

9 I am the Plaintiff Alan Dylan in this case. I am asking the Hon. Judge George H King of
10 this court not to stay or dismiss this action pursuant to *Colorado River*.

11 *The Colorado River doctrine allows federal courts to dismiss or stay an action "due to*
12 *the presence of a concurrent state proceeding for reason of wise judicial administration."*
13

14 Further, the *Colorado River doctrine* does not apply in this action, because Plaintiff on
15 May 23, 2011 dismisses the entire action of all parties and all cause of action in the State Court
16 without prejudice and that allow Plaintiff to continue or starting a new complaint under the
17 federal rules. *See attachment A.*

18 Conclusion

19 For the reason stated above, this court should not to stay or dismiss this action.

20 Dated: July 29, 2011

21
22 By 

23 Alan Dylan

24 Plaintiff in Pro-se
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EXHIBIT A

-3-

SHOW CAUSE WHY THIS COURT SHOULD NOT STAY OR DISMISS THIS ACTION PURSUANT TO *COLORADO RIVER*

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Walid Salaheldin 312 w 5th street apt 215 Los Angeles, CA 90013 TELEPHONE NO.: 424-225-0920 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff in pro-per	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; transform: rotate(-5deg);">ORIGINAL FILED</div> <div style="font-size: 1.5em; font-weight: bold;">MAY 23 2011</div> <div style="font-size: 1.5em; font-weight: bold;">LOS ANGELES SUPERIOR COURT</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N Hill St MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles CA 90012 BRANCH NAME: Stanley Mosk	<div style="font-size: 1.5em; font-weight: bold; transform: rotate(-5deg);">REC'D</div> <div style="font-size: 1.5em; font-weight: bold;">MAY 23 2011</div> <div style="font-size: 1.5em; font-weight: bold;">FILING WINDOW</div>
PLAINTIFF/PETITIONER: Walid Sidriel Salaheldin DEFENDANT/RESPONDENT: Indymac Bank FSB, OneWest Bank FSB, et al...	
REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Contractual Fraud.	CASE NUMBER: BC430725
- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -	

1. TO THE CLERK: Please **dismiss** this action as follows:

- a. (1) ☐ With prejudice (2) ☒ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
 (3) ☐ Cross-complaint filed by (name):
 (4) ☐ Cross-complaint filed by (name):
 (5) ☒ Entire action of all parties and all causes of action
 (6) ☐ Other (specify):*

on (date):

on (date):

2. (Complete in all cases except family law cases.)

- ☐ Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: 05/23/2011

Walid Sidriel Salaheldin

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

▶ 
 (SIGNATURE)

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date: 05/23/2011

Walid Sidriel Salaheldin

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

▶ 
 (SIGNATURE)


Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-Complainant

(To be completed by clerk)

4. ☒ Dismissal entered as requested on (date): **5/23/11**
5. ☐ Dismissal entered on (date): as to only (name):
6. ☐ Dismissal **not** entered as requested for the following reasons (specify):

7. a. ☐ Attorney or party without attorney notified on (date):
 b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
 ☐ a copy to be conformed ☐ means to return conformed copy

Date: **5/23/11**Clerk, by , Deputy
Page 1 of 2

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9 **ALAN DYLAN, an individual,**

Case No.: CV11-05666-GHK-Ex

10 **Plaintiff,**

Proof of Service

11 **vs.**

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28 **inclusive,**

Defendants

25 I, David Jimenez, declare as follows:

26 My address is 312 w 5th street unit 215 Los Angeles CA 90013, which is located in the
27 county where the mailing described below took place.

28 On July 29, 2011, I served the document(s) described as:

